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14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA,  
17 Plaintiff,  
18 v.  
19 HANSEL BITANGA LOPEZ,  
20 Defendant.  
21

22 Case No. 2:20-mj-00141-BNW  
23  
24 **STIPULATION TO CONTINUE**  
25 **BENCH TRIAL**  
26 (First Request)

27 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
28 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,  
29 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
30 and Brian Pugh, Assistant Federal Public Defender, counsel for Hansel Bitanga Lopez, that the  
31 bench trial currently scheduled on August 12, 2020 at 9:00 a.m., be vacated and continued to a  
32 date and time convenient to the Court, but no sooner than sixty (60) days.  
33

34 This Stipulation is entered into for the following reasons:  
35

36 1. Counsel for the defendant needs additional time to conduct investigation in this  
37 case in order to determine whether there are any pretrial issues that must be litigated and  
38 whether the case will ultimately go to trial or will be resolved through negotiations.  
39

40 2. The defendant is not in custody and agrees with the continuance.  
41

1           3.     The parties agree to the continuance.

2           4.     Additionally, denial of this request for continuance could result in a  
3 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
4 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
5 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
6 18, United States Code § 3161(h)(7)(B)(iv).

7           This is the first request for a continuance of the bench trial.

8           DATED this 03 day of August, 2020.

9  
10          RENE L. VALLADARES  
11          Federal Public Defender

12          NICHOLAS A. TRUTANICH  
13          United States Attorney

14          By /s/ Brian Pugh

15  
16          BRIAN PUGH  
17          Assistant Federal Public Defender

18          By /s/ Rachel Kent

19          RACHEL KENT  
20          Special Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
HANSEL BITANGA LOPEZ,  
Defendant.

Case No. 2:20-mj-00141-BNW

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is not in custody and agrees with the continuance.

### 3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

## **ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, August 12, 2020, at 9:00 a.m., be vacated and continued to October 21, 2020 at the hour of 9:00 AM.

DATED this 7th day of August, 2020.

020. *Seebeweber*

UNITED STATES MAGISTRATE JUDGE